



Reprinted  
February 2, 2016

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## SENATE BILL No. 324

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DIGEST OF SB 324 (Updated February 1, 2016 3:14 pm - DI 87)

**Citations Affected:** IC 16-19; IC 16-41; IC 22-13; IC 22-15; noncode.

**Synopsis:** Construction permits and regulation. Provides that the following: (1) Provides deadlines for the state department of health (department) to issue construction permits and conduct plan reviews. (2) Requires the department to issue a construction permit without further review, if the department fails to provide notice or a complete plan review within the time required by statute. (3) Allows a person to apply for a construction permit from the department and a design release from the division of fire and building safety (division) by submitting a single application to the division. Provides that a fee based plan review for a Class 1 structure may only be performed as a prerequisite for a design release and not a building permit. Provides that either of the following, but not both, may perform a fee based plan review: (1) The division of fire and building safety (division). (2) A political subdivision certified in accordance with objective criteria adopted by the fire protection and building safety commission (commission). Allows the commission to adopt emergency rules to promote preservation and use of downtown commercial buildings located within designated historic districts.

**Effective:** Upon passage; January 1, 2017.

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**Messmer, Yoder, Arnold J**

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January 7, 2016, read first time and referred to Committee on Local Government.  
January 28, 2016, amended, reported favorably — Do Pass.  
February 1, 2016, read second time, amended, ordered engrossed.

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SB 324—LS 6691/DI 87





Reprinted  
February 2, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-19-3.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2017]:

4       **Chapter 3.5. Construction Permits and Plan Review**

5       **Sec. 1. As used in this chapter, "applicant" means a person that**  
6 **applies for a construction permit under this chapter.**

7       **Sec. 2. As used in this chapter, "application" means an**  
8 **application for a construction permit and any supporting plans and**  
9 **specifications.**

10       **Sec. 3. As used in this chapter, "division" means the division of**  
11 **fire and building safety established by IC 10-19-7-1.**

12       **Sec. 4. As used in this chapter, "plan review" means a review of**  
13 **plans for construction, modification, or installation of a project to**  
14 **determine if the plans comply with the department's rules.**

15       **Sec. 5. As used in this chapter, "project" means a project:**

16           **(1) that involves an improvement to real property; and**

17           **(2) for which a construction permit is required to be obtained**

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from the department before the start of construction, installation, or modification of improvements to the real property.

The term includes the project types under 410 IAC 6-2 and 410 IAC 6-10.1.

Sec. 6. The department shall provide notice under this chapter by:

- (1) first class mail; or
- (2) electronic mail.

Sec. 7. The department shall accept an application for a construction permit that is submitted by an applicant by either of the following methods:

- (1) The applicant may submit an application to the division that is a combined application for:
  - (A) a construction permit under this chapter; and
  - (B) a design release under IC 22-15-3.
- (2) The applicant may submit separate applications for:
  - (A) a construction permit to the department; and
  - (B) a design release under IC 22-15-3 to the division.

Not later than the next business day, the division shall provide a copy of the application submitted under subdivision (1) to the department to initiate processing of the construction permit under this chapter.

Sec. 8. (a) Upon receiving a complete application for a construction permit, the department shall notify the applicant not later than the next business day of all the following:

- (1) The assigned project number.
- (2) Instructions on submitting any required documentation.
- (3) The contact information for the person performing the plan review, including any person, entity, or local health department that is delegated a plan review as provided in section 12 of this chapter.

(b) Not later than thirty (30) business days after the date a complete application is received by the department, the department shall:

- (1) conduct a plan review; and
- (2) notify the applicant that:
  - (A) the plans and specifications have been approved; or
  - (B) a construction permit will not be issued until the applicant submits corrections to the plans or specifications.

If the plans and specifications are approved, the department shall issue the construction permit to the applicant not later than the



thirty-first business day after the application is received.

**Sec. 9.** If the department does not notify an applicant under section 8 of this chapter within thirty (30) business days after the application is received:

- (1) the application is approved as submitted; and
- (2) the department shall, not later than the thirty-first business day after the date the application is received, provide the construction permit to the applicant.

**Sec. 10. (a)** If the department receives corrections to a plan in response to a notice sent under section 8(b)(2)(B) of this chapter, and any time the department receives corrections to a notice under subdivision (2) thereafter, the department shall do one (1) of the following:

(1) Not later than ten (10) business days after receiving the corrections, send notice to the applicant that the corrected plans as submitted have been approved for a construction permit. The department shall, not later than the next business day after the date that notice is sent to the applicant, provide the applicant with a construction permit.

(2) Not later than ten (10) business days after receiving the corrections, send notice to the applicant that a construction permit will not be issued until the applicant submits additional corrections. However, if the applicant does not receive the notice within the period specified in this subdivision:

- (A) the application is approved as submitted; and
- (B) the department shall, not later than the eleventh business day after the date that the corrections were received by the department, provide the applicant with a construction permit.

(b) A review under this section is limited to the corrections required by the department under the notice sent under section 8(b)(2)(B) of this chapter or subsection (a)(2). All other parts of a project not directly related to corrections required by the department, including previously completed corrections that the department has already accepted, are considered approved for a construction permit and may not be included in subsequent notice requests sent under this section.

**Sec. 11.** The department may not deny a construction permit based upon noncompliance or suspected noncompliance with a rule adopted under the authority of the fire prevention and building safety commission established by IC 22-12-2-1.



1        **Sec. 12. (a) The department may contract with a person to**  
 2        **perform the department's plan review responsibilities under this**  
 3        **chapter.**

4        **(b) A person, entity, or local health department under**  
 5        **subsection (a) that performs a plan review delegated by the**  
 6        **department under this chapter is subject to this chapter to the**  
 7        **same extent as the department. If the person, entity, or local health**  
 8        **department fails to meet the required plan review and notification**  
 9        **deadlines under this chapter, the department shall approve the**  
 10       **application as submitted and issue the applicant a construction**  
 11       **permit.**

12       SECTION 2. IC 16-41-26-15 IS ADDED TO THE INDIANA  
 13       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 14       [EFFECTIVE JANUARY 1, 2017]: **Sec. 15. A construction permit**  
 15       **issued by the state department of health for an agricultural labor**  
 16       **camp under 410 IAC 6-12-7 is issued in accordance with**  
 17       **IC 16-19-3.5.**

18       SECTION 3. IC 16-41-27-22, AS AMENDED BY P.L.113-2014,  
 19       SECTION 108, IS AMENDED TO READ AS FOLLOWS  
 20       [EFFECTIVE JANUARY 1, 2017]: **Sec. 22. (a) The construction of a**  
 21       **new mobile home community or alteration of an existing mobile home**  
 22       **community shall be made only after plans for the proposed construction**  
 23       **or alteration have been forwarded to and approved by the state**  
 24       **department in accordance with IC 16-19-3.5.**

25       **(b) A public water system may not be constructed or altered in a**  
 26       **new or existing mobile home community until plans for the**  
 27       **construction or alteration have been forwarded to and approved by the**  
 28       **environmental commissioner under rules adopted by the environmental**  
 29       **rules board.**

30       **(c) A sewage collection and disposal system may not be constructed**  
 31       **or altered in a new or existing mobile home community until:**

32       (1) plans for construction or alteration of the sewage collection  
 33       system and any septic tank absorption field have been forwarded  
 34       to and approved by the state department under rules adopted by  
 35       the state department; and

36       (2) plans for construction or alteration of any sewage disposal  
 37       system other than a septic tank absorption field have been  
 38       forwarded to and approved by the environmental commissioner  
 39       under rules adopted by the environmental rules board.

40       SECTION 4. IC 22-13-2-4.1 IS ADDED TO THE INDIANA CODE  
 41       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
 42       JANUARY 1, 2017]: **Sec. 4.1. (a) This section applies only to a fee**



1 based plan review performed:

2 (1) before construction of a Class 1 structure; and

3 (2) to determine compliance with the rules of the commission.

4 (b) A fee based plan review may be a prerequisite only for the  
5 issuance of a design release. A fee based plan review may not be a  
6 prerequisite or condition for the issuance of a building permit,  
7 improvement permit, or any other permit issued by a state agency  
8 or a political subdivision.

9 (c) A fee based plan review must be:

10 (1) authorized under IC 22-15-3; and

11 (2) performed in compliance with the rules and objective  
12 criteria adopted by the commission under IC 22-15-3-1.

13 (d) With regard to any application for a design release, a fee  
14 based plan review may be performed only by either of the  
15 following, but not both:

16 (1) The division.

17 (2) A political subdivision that has the authority under  
18 IC 22-15-3 to perform a fee based plan review.

19 SECTION 5. IC 22-13-4-5 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The  
21 commission shall adopt building rules that allow a person to convert a  
22 building or other structure, in whole or in part, from one (1) class of  
23 occupancy and use established under the commission's rules to another  
24 without complying with all of the commission's rules governing new  
25 construction.

26 (b) The rules adopted under this section must protect the public  
27 from significant health hazards and safety hazards.

28 (c) Subject to subsection (b), the rules must promote the following:

29 (1) The preservation of architecturally significant and historically  
30 significant parts of buildings and other structures.

31 (2) The economically efficient reuse of buildings and other  
32 structures.

33 (3) After December 31, 2016, the preservation and use of  
34 commercial buildings located within:

35 (A) the downtown of a local unit; and

36 (B) a designated historic district.

37 Before the effective date of the commission's emergency rules  
38 authorized under subsection (e), the commission's policies must  
39 promote the preservation and use of commercial buildings as set  
40 forth in subdivision (3).

41 (d) The rules adopted under this section may condition an  
42 exemption upon:



(1) passing an inspection conducted by the department; and

(2) paying the fee set under IC 22-12-6-6.

**(e) The commission shall adopt emergency rules under IC 4-22-2-37.1 to implement this section. An emergency rule adopted under this subsection expires on the earlier of the following dates:**

**(1) The date specified in the emergency rule.**

**(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2.**

SECTION 6. IC 22-13-5-2, AS AMENDED BY P.L.218-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) **Except as provided under subsection (c)**, upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

**(c) If:**

**(1) an interested person submits a written request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and**

**(2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);**

**the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.**

SECTION 7. IC 22-15-3-1, AS AMENDED BY P.L.218-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) The state building commissioner shall issue a design release for:

(1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and

(2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.





(b) The state building commissioner may issue a design release based on a plan review performed by a city, town, or county if:

(1) the state building commissioner has certified that the city, town, or county is competent; and

(2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

(c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b).

**(e) The commission shall certify a city, town, or county as qualified to issue design releases under the commission's objective criteria. A certified city, town, or county may issue design releases in accordance with the commission's objective criteria.**

SECTION 8. IC 22-15-3.2-6, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) An applicant for a design release shall submit an application meeting the requirements of IC 22-15-3 to the division.

**(b) This subsection applies only to an applicant for a design release for a project listed in 410 IAC 6-12-7 for which the applicant must obtain a construction permit from the state department of health under IC 16-19-3.5. After December 31, 2016, an applicant may submit a combined application to the division that is an application for:**

**(1) a construction permit under IC 16-19-3.5; and**

**(2) a design release under this chapter.**

**Not later than the next business day after receiving the combined application, the division shall provide a copy of the application to the department.**

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" means the state department of health established by IC 16-19-1-1.

(b) As used in this SECTION, "division" means the division of fire and building safety established by IC 10-19-7-1.

(c) Not later than December 31, 2016, the department and the division shall do the following:

**(1) Create a combined application form so that a person may concurrently apply for:**

**(A) a design release under IC 22-15-3; and**

**(B) a construction permit under IC 16-19-3.5, as added by**



1           this act.  
2           (2) Create, implement, and maintain a process, system, or  
3           agreement that enables the division to:  
4           (A) transfer to the department; or  
5           (B) make accessible to the department;  
6           within one (1) business day of receipt, applications for  
7           construction permits and design releases and any relevant  
8           data and documents;  
9           in accordance with IC 16-19-3.5, as added by this act and  
10          IC 22-15-3.2, as amended by this act.  
11          (d) This SECTION expires July 1, 2017.  
12          SECTION 10. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2017]".

Page 2, line 4, delete "410 IAC 6-1" and insert "**410 IAC 6-2**".

Page 2, line 24, after "8." insert "(a)".

Page 2, line 25, delete "do one (1) of the following:" and insert "**notify the applicant not later than the next business day of all the following:**

- (1) The assigned project number.
- (2) Instructions on submitting any required documentation.
- (3) The contact information for the person performing the plan review, including any person, entity, or local health department that is delegated a plan review as provided in section 12 of this chapter.

(b) Not later than thirty (30) business days after the date a complete application is received by the department, the department shall:

- (1) conduct a plan review; and
- (2) notify the applicant that:
  - (A) the plans and specifications have been approved; or
  - (B) a construction permit will not be issued until the applicant submits corrections to the plans or specifications.

If the plans and specifications are approved, the department shall issue the construction permit to the applicant not later than the thirty-first business day after the application is received.

**Sec. 9. If the department does not notify an applicant under section 8 of this chapter within thirty (30) business days after the application is received:**

- (1) the application is approved as submitted; and
- (2) the department shall, not later than the thirty-first business day after the date the application is received, provide the construction permit to the applicant."

Page 2, delete lines 26 through 42.

Page 3, delete lines 1 through 19.

Page 3, line 21, delete "9(2)" and insert "**8(b)(2)(B)**".

Page 4, line 2, delete "9(2)" and insert "**8(b)(2)(B)**".

Page 4, line 12, after "12." insert "(a)".

Page 4, between lines 13 and 14, begin a new paragraph and insert:



**"(b) A person, entity, or local health department under subsection (a) that performs a plan review delegated by the department under this chapter is subject to this chapter to the same extent as the department. If the person, entity, or local health department fails to meet the required plan review and notification deadlines under this chapter, the department shall approve the application as submitted and issue the applicant a construction permit."**

Page 4, delete lines 41 through 42, begin a new paragraph and insert:

**"SECTION 4. IC 22-13-2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) This section applies only to a fee based plan review performed:**

- (1) before construction of a Class 1 structure; and**
- (2) to determine compliance with the rules of the commission.**

**(b) A fee based plan review may be a prerequisite only for the issuance of a design release. A fee based plan review may not be a prerequisite or condition for the issuance of a building permit, improvement permit, or any other permit issued by a state agency or a political subdivision.**

**(c) A fee based plan review must be:**

- (1) authorized under IC 22-15-3; and**
- (2) performed in compliance with the rules and objective criteria adopted by the commission under IC 22-15-3-1.**

**(d) With regard to any application for a design release, a fee based plan review may be performed only by either of the following, but not both:**

- (1) The division.**
- (2) A political subdivision that has the authority under IC 22-15-3 to perform a fee based plan review.**

**SECTION 5. IC 22-13-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall adopt building rules that allow a person to convert a building or other structure, in whole or in part, from one (1) class of occupancy and use established under the commission's rules to another without complying with all of the commission's rules governing new construction.**

**(b) The rules adopted under this section must protect the public from significant health hazards and safety hazards.**

**(c) Subject to subsection (b), the rules must promote the following:**

- (1) The preservation of architecturally significant and historically**



significant parts of buildings and other structures.

(2) The economically efficient reuse of buildings and other structures.

**(3) After June 30, 2016, the preservation and use of commercial buildings located within:**

**(A) the downtown of a local unit; and**

**(B) a designated historic district.**

**Before the effective date of the commission's emergency rules authorized under subsection (e), the commission's policies must promote the preservation and use of commercial buildings as set forth in subdivision (3).**

(d) The rules adopted under this section may condition an exemption upon:

(1) passing an inspection conducted by the department; and

(2) paying the fee set under IC 22-12-6-6.

**(e) The commission shall adopt emergency rules under IC 4-22-2-37.1 to implement this section. An emergency rule adopted under this subsection expires on the earlier of the following dates:**

**(1) The date specified in the emergency rule.**

**(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2.**

SECTION 6. IC 22-13-5-2, AS AMENDED BY P.L.218-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) **Except as provided under subsection (c),** upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

**(c) If:**

**(1) an interested person submits a written request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and**

**(2) the building commissioner is absent and unable to issue a**



**written interpretation within the time specified under subsection (a);**  
**the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.**

SECTION 7. IC 22-15-3-1, AS AMENDED BY P.L.218-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The state building commissioner shall issue a design release for **the following:**

- (1) The construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter. ~~and~~
- (2) The fabrication of an industrial building system or mobile structure under section 4 of this chapter.
- (3) The construction of a health care facility in accordance with:**
  - (A) the rules of the commission; and**
  - (B) if applicable, the most recent edition, including addenda, of the Guidelines for the Design and Construction of Hospitals and Outpatient Facilities, published by the Facilities Guidelines Institute.**
- (b) The state building commissioner may issue a design release based on a plan review performed by a city, town, or county if:
  - (1) the state building commissioner has certified that the city, town, or county is competent; and
  - (2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.
- (c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.
- (d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b).
- (e) The commission shall certify a city, town, or county as qualified to issue design releases under the commission's objective criteria. A certified city, town, or county may issue design releases in accordance with the commission's objective criteria."**

Delete pages 5 through 9.

Page 10, delete lines 1 through 11.

Page 10, line 13, delete "[EFFECTIVE" and insert "[EFFECTIVE JANUARY 1, 2017]:".

Page 10, line 14, delete "JULY 1, 2016]:".

Page 10, delete lines 28 through 42.

Page 11, line 6, delete "June 30, 2016," and insert "**December 31,**



**2016,".**

Page 11, delete lines 23 through 29.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 324 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 324 be amended to read as follows:

Replace the effective date in SECTION 4 with "[EFFECTIVE JANUARY 1, 2017]".

Replace the effective date in SECTION 7 with "[EFFECTIVE JANUARY 1, 2017]".

Page 5, line 33, delete "June 30, 2016," and insert "**December 31, 2016,".**

Page 6, line 38, delete "the following:" and insert ":".

Page 6, line 39, delete "The" and insert "the".

Page 6, line 40, delete "." and insert ";".

Page 6, line 40, reset in roman "and".

Page 6, line 41, delete "The" and insert "the".

Page 7, delete lines 1 through 7.

Page 7, line 31, delete "June 30, 2016," and insert "**December 31, 2016,".**

(Reference is to SB 324 as printed January 29, 2016.)

MESSMER

